



Reprinted  
January 26, 2016

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## SENATE BILL No. 90

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DIGEST OF SB 90 (Updated January 25, 2016 2:20 pm - DI 106)

**Citations Affected:** IC 31-37.

**Synopsis:** Juvenile release by intake officers. Allows an intake officer to impose conditions upon the release of a child who was not taken into custody under an order of the court. If an intake officer imposes conditions of release upon a child, requires the juvenile court to hold a detention hearing within 48 hours.

**Effective:** July 1, 2016.

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**Zakas, Grooms, Tallian, Broden,  
Becker, Breaux, Merritt**

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January 5, 2016, read first time and referred to Committee on Corrections & Criminal Law.  
January 21, 2016, amended, reported favorably — Do Pass.  
January 25, 2016, read second time, amended, ordered engrossed.

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SB 90—LS 6385/DI 125





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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 90

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 31-37-5-5, AS AMENDED BY P.L.158-2013,  
2 SECTION 328, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the child was not taken into  
4 custody under an order of the court, an intake officer shall investigate  
5 the reasons for the child's detention. The intake officer ~~shall~~ **may**  
6 release the child to the child's parent, guardian, or custodian upon the  
7 person's written promise to bring the child before the juvenile court at  
8 a time specified **and may impose additional conditions upon the**  
9 **child, including:**  
10 (1) **home detention;**  
11 (2) **electronic monitoring;**  
12 (3) **a curfew restriction;**  
13 (4) **a directive to avoid contact with specified individuals until**  
14 **the child's return to the juvenile court at a specified time;**  
15 (5) **a directive to comply with Indiana law; or**  
16 (6) **any other reasonable conditions on the child's actions or**  
17 **behavior.**

SB 90—LS 6385/DI 125



1       **(b) If the intake officer imposes additional conditions upon the**  
 2       **child under subsection (a), the court shall hold a detention hearing**  
 3       **under IC 31-37-6 within forty-eight (48) hours of the imposition of**  
 4       **the additional conditions, excluding Saturdays, Sundays, and legal**  
 5       **holidays.**

6       **(c) However,** The intake officer may place the child in detention if  
 7       the intake officer reasonably believes that the child is a delinquent  
 8       child and that:

9           (1) the child is unlikely to appear before the juvenile court for  
 10          subsequent proceedings;

11          (2) the child has committed an act that would be murder or a  
 12          Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony  
 13          if committed by an adult;

14          (3) detention is essential to protect the child or the community;

15          (4) the parent, guardian, or custodian:

16           (A) cannot be located; or

17           (B) is unable or unwilling to take custody of the child; or

18          (5) the child has a reasonable basis for requesting that the child  
 19          not be released.

20       ~~(b)~~ **(d)** If a child is detained for a reason specified in subsection  
 21       ~~(a)(4)~~ **(c)(4)** or ~~(a)(5)~~ **(c)(5)**, the child shall be detained under  
 22       IC 31-37-7-1.



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 90, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, after line 17, begin a new paragraph and insert:

"SECTION 2. IC 31-37-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If a child taken into custody is not released, a detention hearing must be held in accordance with IC 31-37-6-2.

**(b) If a child taken into custody is released by an intake officer subject to one (1) or more conditions described in section 5 of this chapter, the court must conduct a hearing to review the appropriateness of the conditions of release not later than seven (7) business days from the date the child is released."**

and when so amended that said bill do pass.

(Reference is to SB 90 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 8, Nays 0.

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 SENATE MOTION

Madam President: I move that Senate Bill 90 be amended to read as follows:

Page 1, line 5, strike "shall" and insert "**may**".

Page 2, line 1, after "(b)" insert "**If the intake officer imposes additional conditions upon the child under subsection (a), the court shall hold a detention hearing under IC 31-37-6 within forty-eight (48) hours of the imposition of the additional conditions, excluding Saturdays, Sundays, and legal holidays.**

**(c)".**

Page 2, line 15, delete "(c)" and insert "**(d)**".

Page 2, line 16, delete "(b)(4)" and insert "**(c)(4)**".



Page 2, line 16, delete "(b)(5)," and insert "(c)(5),".

Page 2, delete lines 18 through 26.

(Reference is to SB 90 as printed January 22, 2016.)

ZAKAS

